

Regular Session, 2010

HOUSE BILL NO. 539

BY REPRESENTATIVE KATZ AND SENATORS KOSTELKA, THOMPSON, AND
WALSWORTH

SCHOOLS/BOARDS: Authorizes the Monroe school board to sell the Georgia Tucker
school at public or private sale

1 AN ACT

2 To authorize and provide for the sale of specified school property by the City of Monroe

3 School Board; to authorize such sale at public auction or private sale; to require an

4 ordinance providing for such sale; to provide for public notice and a public hearing;

5 to provide for legal challenges to the sale; and to provide for related matters.

6 Notice of intention to introduce this Act has been published

7 as provided by Article III, Section 13 of the Constitution of

8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1.(A) Notwithstanding any provision of law to the contrary, the City of

11 Monroe School Board, hereafter in this Section referred to as the "school board", may sell

12 buildings and facilities known as the Georgia Tucker school and the property on which they

13 are located, hereafter in this Section referred to as the "school", to any person at a public or

14 private sale in accordance with this Section.

15 (B) Before the school board sells the school, it shall adopt an ordinance giving the

16 reasons for the action, establishing the method of sale, and fixing the minimum price and

17 terms of the sale. Prior to adoption of such ordinance, notice of the proposed ordinance must

18 be published three times in fifteen days, one week apart, in the official journal of the school

19 board. The notice shall also be posted on the Monroe City Schools website for the same

20 fifteen-day period.

1 (C) Any opposition to the proposed ordinance shall be made in writing and filed
2 with the school board within fifteen days after final publication of notice. If opposition is
3 filed, the school board may not adopt the ordinance until after it holds a hearing regarding
4 the sale. The ordinance shall not become effective until ten days after its adoption, during
5 which time any interested citizen may apply to the district court having jurisdiction in
6 Ouachita Parish for an order restraining the sale of the property. After the ordinance
7 becomes effective, it may not be contested for any reason.

8 (D) The school board may utilize the procedures provided in R.S. 41:892 when
9 selling the school; however, if the school board complies with the provisions of this Section,
10 the minimum sale price for the school shall be as established by the ordinance adopted
11 pursuant to this Section and not as established by R.S. 41:892.

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Katz

HB No. 539

Abstract: Authorizes the City of Monroe School Board to sell the Georgia Tucker school at public auction or private sale.

Proposed law authorizes the City of Monroe School Board to sell the Georgia Tucker school at public auction or private sale. Requires the school board to adopt an ordinance giving the reasons for the action, establishing the method of sale, and fixing the minimum price and terms of the sale. Requires the school board to publish notice regarding the ordinance in its official journal and to post the notice on the Monroe City Schools website. Provides that opposition to the ordinance shall be filed, in writing, within 15 days after final published notice. Requires the school board to hold a hearing if opposition is filed. Provides that the ordinance does not become effective until 10 days after its passage, during which time any interested citizen may apply to the district court for an order restraining the sale of the property. Proscribes any challenge to the ordinance after it becomes effective.

Present law (R.S. 41:891 and 892) establishes general procedures for sale of school board property that is no longer needed for school purposes. Requires sale through an auctioneer by public auction or sealed bids. Requires advertisement of the sale. Prohibits sale for less than the appraised value. Proposed law provides that the Monroe school board may sell the Georgia Tucker school in accordance with such procedures, but if it complies with proposed

law, the minimum sale price for the sale shall be as established in the ordinance and not the appraised value.

Effective upon signature of governor or lapse of time for gubernatorial action.